

Article 34: Registered Marijuana Dispensary Zoning



**PLANNING BOARD
PUBLIC HEARING PRESENTATION**

FEBRUARY 24, 2014

2014 Town Meeting



- **3 Related Warrant Articles**

- Article 34 - To amend the Zoning Bylaw to allow and establish regulations for Registered Marijuana Dispensaries
- Article 35 - If necessary, to amend the Town Bylaw to enable the Board of Selectmen to serve as Special Permit Granting Authority for RMDs.
- Article 36 - If necessary, to amend the Town Bylaw to establish police regulations for RMDs

2013 Town Meeting Actions



- 2013 ATM amended the Zoning Bylaw to add a new Section XVIIH: *Temporary Moratorium on Medical Marijuana Treatment Centers*
- Moratorium in place until June 30, 2014
- During the period of the Moratorium, no MMTC shall be constructed or permit issued for an MMTC within the Town of Wellesley

Status of Medical Marijuana in MA



- Act for the Humanitarian Medical Use of Marijuana passed by Initiative on November 6, 2012
- Final State regulations (105 CMR 725.100) adopted May 2013
- January 31, 2014 - MA Dept. of Public Health Issues 20 provisional license for Medical Marijuana Dispensaries; 2 to be located in Norfolk County (Brookline & Quincy), other nearby dispensaries in Boston (2), Milford, Newton, and Worcester

Dispensary Operational Requirements



- **105 CMR 725.100 includes the following requirements for RMDs:**
 - Written operating procedures required
 - Specific restrictions on cultivation, acquisition, and distribution
 - Requirements for handling and testing, and production of marijuana infused products
 - Storage requirements
 - Packaging and labeling requirements
 - Dispensing requirements
 - Inventory requirements
 - Training requirements
 - Record keeping requirements
 - Waste disposal requirements
 - Patient education requirements
 - Marketing and advertising requirements
 - Security requirements

Town Medical Marijuana Working Group



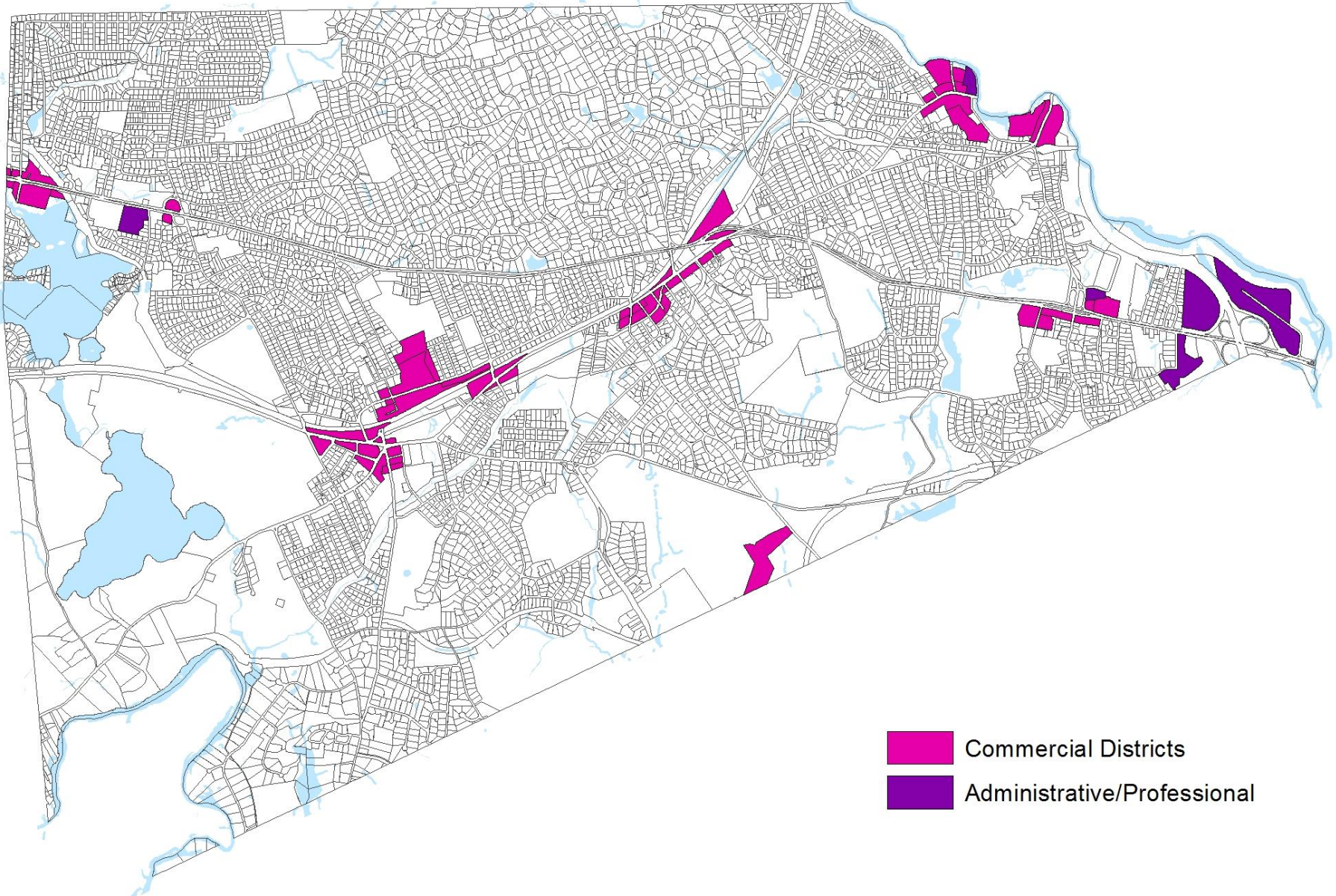
- Established in May 2013 to review options for addressing Medical Marijuana
- Participants include: Terry Cunningham (Chief of Police), Hans Larsen (Executive Director), Meghan Jop (Deputy Director), Don McCauley (BOS), Lenny Izzo (Health Department), Carol Hannenbergh (Board of Health), Al Robinson (Town Counsel), Jim Goodhue (Town Counsel), Sara Preston (Planning Board), Michael Zehner (Planning Director), Ethan Parsons (Asst. Planning Director), Jamie Chisum (H.S. Asst. Principal)
- Group has met monthly to discuss policies, regulations, and solutions

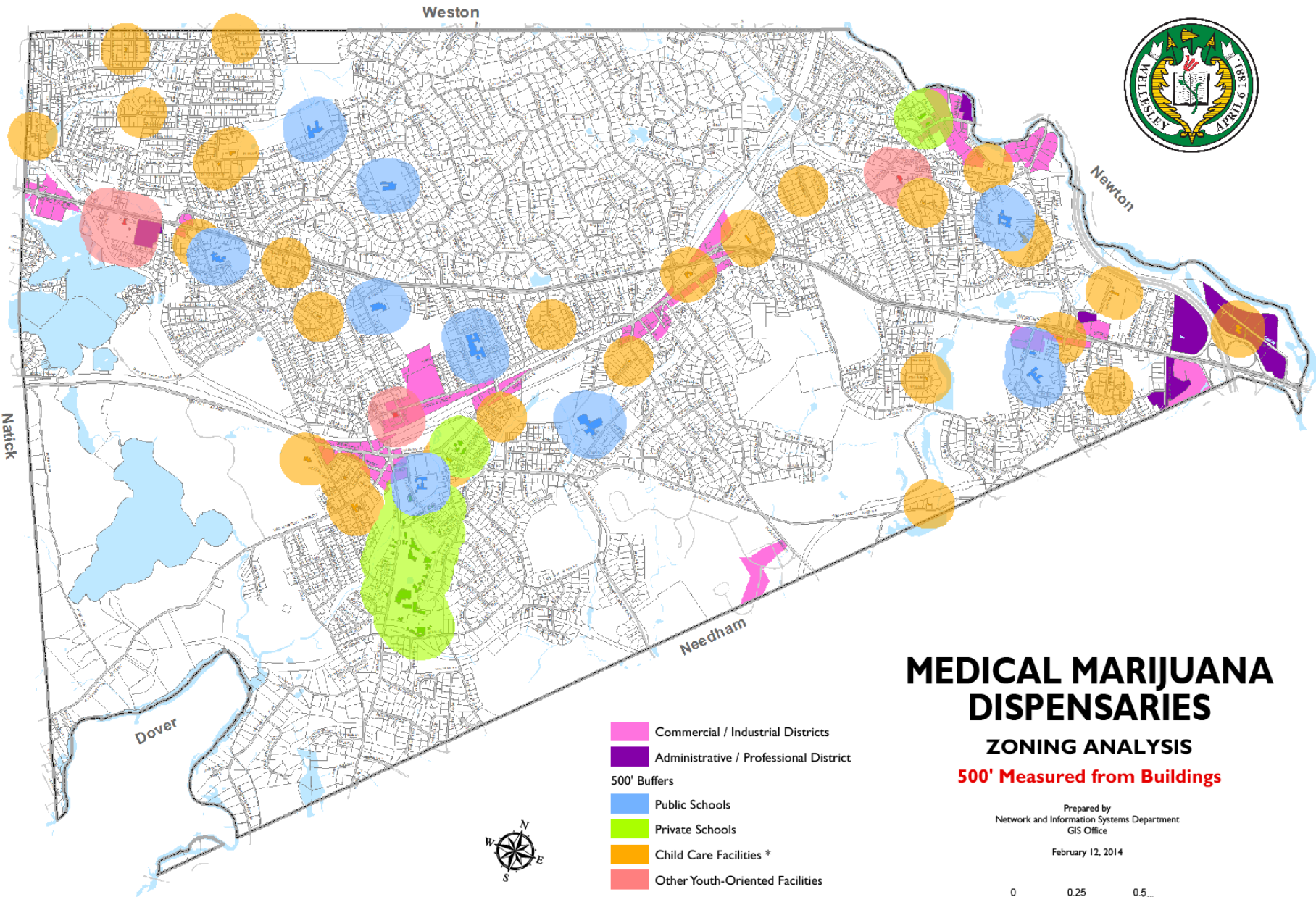
Overview of Proposed Zoning



- Builds on Department of Public Health Regulations
- RMDs to be allowed in commercial zoning districts:
 - Business, Business A, Industrial, Industrial A, Lower Falls Village Commercial, Wellesley Square Commercial, Administrative and Professional, and Limited Business
- Subject to 500 foot setback from youth facilities
- Prohibited in ALL other districts
- Subject to special permit process
- Selectmen to issue special permit

Affected Districts





MEDICAL MARIJUANA DISPENSARIES

ZONING ANALYSIS

500' Measured from Buildings

Prepared by
Network and Information Systems Department
GIS Office

February 12, 2014

* List of Child Care Facilities obtained from MA EOE, 1/2013

Findings and Authorization



- Special Permit valid for 1 year, and must be renewed annually
- Special Permit will lapse with change in ownership
- Town must find the following to issue special permit:
 - RMD meets a demonstrated local and regional need based on proximity to other RMDs
 - Meets all applicable requirements of the Zoning and Town Bylaws and agencies of the Commonwealth.
 - Designed to minimize visual and economic impacts to abutters
 - Provides secure waiting area, pickup/drop off for patients
 - Provides adequate security and storage
 - Adequately addresses issues of vehicle and pedestrian traffic, parking, and queuing

Setback Requirements



- RMDs not to be located within 500 feet of the following, measured in a straight line:
 - Public or private elementary school, middle school, or high school.
 - Child care facility, including family daycare homes, daycare centers, and/or nursery schools.
 - Establishments that cater to or provide services primarily intended for minors.
- Current draft does not provide setbacks from parks, churches, cemeteries, or government buildings

Operational Restrictions



- No drive-thru windows
- No mixed use with residential units
- No operation between 8 pm and 8 am; hours may be further limited by SPGA
- No entrance if under 18 without guardian
- No marijuana use on premises
- No temporary signs or promotional signage
- No employees or associated individuals with felonies

Operational Requirements



- Must be located in an enclosed building
- Must have public access on a public way
- Must be ventilated appropriately
- Must include signage plan
- Must provide Police with contact info. for management
- Must lock and screen trash dumpsters
- Must light the exterior grounds and parking area appropriately
- Must have security alarms and surveillance approved by Police

Hardship Cultivation



- State Department of Public Health may issue Hardship Cultivation Registration to individuals if:
 - Financial Hardship
 - Physical Incapacity to Access Transportation
 - Lack of RMD within reasonable distance and lack of an RMD to make deliveries
- Potential need to address in Zoning, Town Bylaw and Board of Health Regulations
 - Are additional regulations needed to address home cultivation, distribution, and building safety?
 - AG has determined that it is not lawful to require a Special Permit
 - May be able to require local notification of registered cultivation, but may not impact patient privacy

Deliveries



- RMDs can make deliveries of MM to patients
 - DPH regulations have significant record keeping requirements
 - DPH also requires randomized deliveries
- RMD is to notify local authorities of various incidents including:
 - Theft or diversion of marijuana
 - Alteration of records
 - Alarm failures or breaches of security
- Police Dept. may suggest establishment of additional regulations for deliveries within Town



Questions and Comments